

Henry Albert, secretary)—A meeting was held on June 9, with President Vinton A. Muller in the chair.

Dr. Carl H. Lehner's application for membership was referred to the Board of Censors.

A communication from W. C. Woodward of the A. M. A., relative to urging those in charge of the reduction of federal taxes to consider "The discontinuance of the war tax imposed on physicians under the Harrison Narcotic Law by the Revenue Act of 1918," and also "The right to deduct certain professional expenses in the computation of the physician's income tax, which is equivalent to imposing a tax on the activities out of which such expenses arise, namely: (a) A tax on attendance at meetings of medical societies, and (b) a tax on post-graduate study," was read.

A motion to the effect that the Washoe County Medical Society indorse the spirit of this communication and that the secretary be instructed to write to the President of the United States, the Secretary of the Treasury, and to Nevada's representatives in the United States Senate and the House of Representatives, informing them of the action taken, was passed.

Doctor Ernest H. Falconer of San Francisco addressed the society on "Some of the Causes of the Enlarged Spleen." He discussed more especially the leukemias, Hodgkin's disease, splenic anemia, pernicious anemia, hemolytic jaundice, and polycythemia. The address was illustrated with lantern slides and was discussed by Doctors S. Bath and Albert.

Members in attendance were: Albert, Bath, Brown, Caples, Fuller, Lewis, McLean, Muller, Piersall, Samuels, Servoss, Tees, West, and Doctor Lehnner was present as a guest.

## CALIFORNIA BOARD OF MEDICAL EXAMINERS' NOTES

(C. B. Pinkham, M. D., Secretary)

**Health Fakers as of Old**—Although we fully realize the hopeless stupidity of a lot of our "health educators" and are fully cognizant of the flamboyant propaganda and unutterable rot that is ground out in an endless stream and labeled health information, we nevertheless had hoped that after a half generation of such tremendous activity some progress was being made. We had hoped that our "speedy positive health propaganda" would at least enable us to say that Barnum's well-known dictum was at last obsolete. However, there is hardly a mail delivery but what contains stories that cause us to wonder if we really are elevating mass intelligence.

Just recently, a resident of an attractive little town in California became ill and formed the idea that he had a tumor. Instead of going to one of the educated physicians of his community, or even one of the thousands in a nearby city, he went to see a woman of the neighborhood who, according to a newspaper, "combined the business of vending hot tamales with the prescribing of herbs for the illnesses of her customers." This "doctor," it is reported, "told the patient that she could cure him, that it was not a tumor from which he suffered, but that he had in his stomach an animal that lived in a round ball, that the animal had broken out of the ball and was loose in his stomach, and that for the sum of \$40 she would remove the animal and he would then get well. The patient had but \$35 and he offered the "doctor" that amount, but she refused to treat him until the \$40 was paid in advance, so the patient borrowed the other \$5 and paid the \$40. He then went to the home of the "healer" where, on account of limited room, two patients occupy the same bed, regardless of what diseases they may have. The "healer" gave the patient some liquid medicine to drink and put a mustard plaster over his abdomen. On the second day she told the patient she would remove the animal, but that in his weakened condition it would be too much of a shock to him to see what a terrible animal lived in his stomach, so he was blindfolded. A woman patient in the same room was also in too serious a condition to see the terrible animal come from the other patient so she was blindfolded. An emetic was then given the patient who became very sick and vomited into a pan. After he had recovered slightly, the blindfold was removed and he was allowed to see the

animal that had been removed from his stomach. He says he didn't feel the animal come up his throat, but he saw it in the pan, that it had four legs and was partly black in color, and that, although he doesn't know the name of the animal, he has often seen such animals on the rocks in the ocean (probably a small crab). The sick man felt better after "the animal was removed," but the next day the "healer" told him that the ball that the animal formerly lived in was still "under his liver" and that it would have to be removed before he could hope to be entirely well, that it had been necessary to remove the animal first and it would take an entirely different kind of medicine to remove the ball; this would cost \$20 more. The sick man didn't have the other \$20, so it is presumed that the remnants of the ball still remain "under the liver."

## Medicine Before the Bench

### Findings and Comments of the Courts on Acts and Omissions of Doctors

(EDITOR'S NOTE—*The law reports contain many interesting decisions, involving the reputations and fortunes of doctors. In this column in each issue a brief summary of one or more decisions and comments of the several courts of last resort upon the cases will appear. The matter will be selected by our general counsel, Hartley F. Peart, who, with Hubert T. Morrow, attorney for Southern California, will contribute from time to time.*)

The Legislature at its last session passed an act which becomes law under the signature of the Governor on April 24, 1925, which empowers judges of the Superior Court to call in experts of all kinds to give testimony in cases requiring expert evidence. The law has been added as Section 1871 of the Code of Civil Procedure. The new section is as follows:

Experts; Appointment of by Court or Judge; Compensation; Manner of Examination as Witnesses. Whenever it shall be made to appear to any court or judge thereof, either before or during the trial of any action or proceeding, civil or criminal, pending before such court, that expert evidence is, or will be required by the court or any party to such action or proceeding, such court or judge may, on motion of any party, or on motion of such court or judge, appoint one or more experts to investigate and testify at the trial of such action or proceeding relative to the matter or matters as to which such expert evidence is, or will be required, and such court or judge may fix the compensation of such expert or experts for such services, if any, as such expert or experts may have rendered, in addition to his or their services as a witness or witnesses, at such amount or amounts as to the court or judge may seem reasonable. In all criminal actions and proceedings such compensation so fixed shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court or judge. In all civil actions and proceedings such compensation shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court or judge may determine and may thereafter be taxed and allowed in like manner as other costs. Nothing contained in this section shall be deemed or construed so as to prevent any party to any action or proceeding from producing other expert evidence as to such matter or matters, but where other expert witnesses are called by a party to an action or proceeding they shall be entitled to the ordinary witness fees only and such witness fees shall be taxed and allowed in like manner as other witness fees. Any expert so appointed by the court may be called and examined as a witness by any party to such action or proceeding or by the court itself; but, when called, shall be subject to examination and objection as to his competency and qualifications as an expert witness and as to his bias. Such expert though called and examined by the court, may be cross-examined by the several parties to an action or proceeding in such order as the court may direct. When such witness is